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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,016	12/21/2000	Michihide Tasaki	PM 275665 T4A0A-00S070-1	6670

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EXAMINER

KIM, PETER B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/741,016

Applicant(s)

TASAKI, MICHIHIDE

Examiner

Peter B. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6,8-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6,8-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 28, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakamatsuka et al. (Hakamatsuka) (5,410,642) in view of Yakawa (6,421,110).

Hakamatsuka discloses in the abstract an ID card making apparatus and method with an image reading means (1a, 1b) for reading an image from a predetermined area large enough to include a photograph of predetermined size attached to an application form and an image processing section (2) for making an ID based on the image. However, Hakamatsuka does not disclose detecting and extracting the image. Yakawa discloses a photo processing apparatus and method comprising an image reading means which reads an image from a predetermined area (See Fig. 3A and 3B). Yakawa further discloses that the actual image region is detected and extracted according to vertical and horizontal component or the size of an actual image region

(col. 6, lines 8-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the edge detecting and image extracting of Yakawa to the invention of Hakamatsuka in order to obtain the image of appropriate size so that no unwanted portion of the photograph appears in the ID as taught by Yakawa in col. 1, lines 51-63.

Claims 4-6, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakamatsuka et al. (Hakamatsuka) in view of Yakawa and Enomoto (6,356,339).

Hakamatsuka discloses in the abstract an ID card making apparatus and method with an image reading means (1a, 1b) for reading an image from a predetermined area large enough to include a photograph of predetermined size attached to an application form and an image processing section (2) for making an ID based on the image. Hakamatsuka also discloses in the abstract and Fig. 16, an ID card making and preventing forgery by including background with information that prevents forgery. However, Hakamatsuka does not disclose detecting and extracting the image. Yakawa discloses a photo processing apparatus and method comprising an image reading means which reads an image from a predetermined area (See Fig. 3A and 3B). Yakawa further discloses that the actual image region is detected and extracted according to vertical and horizontal component or the size of an actual image region (col. 6, lines 8-14). Enomoto discloses in Fig. 2 and 4, a method and apparatus for detecting a photograph portion from image data and extracting a target image from the detected photograph portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the edge detecting and image extracting of Yakawa to the invention of Hakamatsuka in order to obtain the image of appropriate size so that no unwanted portion of the photograph appears in the ID as taught by Yakawa in col. 1, lines 51-63, and producing a composite image with different

background of Enomoto in order to easily obtain a foreground picture with various background as taught by Enomoto in col. 3, lines 5-10.

Claims 4-6, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakamatsuka et al. (Hakamatsuka) in view of Yakawa and Parulski et al. (Parulski) (5,914,748).

Hakamatsuka discloses in the abstract an ID card making apparatus and method with an image reading means (1a, 1b) for reading an image from a predetermined area large enough to include a photograph of predetermined size attached to an application form and an image processing section (2) for making an ID based on the image. Hakamatsuka also discloses in the abstract and Fig. 16, an ID card making and preventing forgery by including background with information that prevents forgery. However, Hakamatsuka does not disclose detecting and extracting the image. Yakawa discloses a photo processing apparatus and method comprising an image reading means which reads an image from a predetermined area (See Fig. 3A and 3B). Yakawa further discloses that the actual image region is detected and extracted according to vertical and horizontal component or the size of an actual image region (col. 6, lines 8-14). Parulski discloses in Fig. 1-4, a method and apparatus for detecting a photograph portion from image data and extracting a target image from the detected photograph portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the edge detecting and image extracting of Yakawa to the invention of Hakamatsuka in order to obtain the image of appropriate size so that no unwanted portion of the photograph appears in the ID as taught by Yakawa in col. 1, lines 51-63, and producing a composite image with different

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background of Parulski in order to easily obtain a foreground picture with various background as taught by Parulski in col. 1, lines 12-34.

***Response to Amendment***

The amendments do not seem to add any allowable feature to the claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Peter B. Kim', with a stylized flourish at the end.

Peter B. Kim  
Patent Examiner  
June 16, 2003